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Attorneys for Third-Party Defendant
Federated Mutual Insurance Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SIERRA BAY CONTRACTORS, INC., a
California Corporation,

Plaintiff,

vs.

WESTCHESTER SURPLUS LINES
INSURANCE COMPANY, a Georgia
Corporation, and ROES 1 through 50, inclusive,

Defendants.

AND RELATED THIRD-PARTY CLAIMS

CASE NO. 3:10-CV-04611-RS

**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL OF THIRD-
PARTY DEFENDANT FEDERATED
MUTUAL INSURANCE COMPANY**

Pursuant to F.R.C.P. 41, Third-Party Defendant Federated Insurance Company. ("Federated") and Third-Party Claimant Westchester Surplus Lines Insurance Company ("Westchester") have agreed and hereby stipulate to the dismissal of Federated from this action, with prejudice, subject to said parties' mutual waiver of costs. Said parties request the Court's approval and execution of the below proposed order for dismissal.

1 IT IS SO STIPULATED.

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3 Dated: August 15, 2011

LAW OFFICES OF SEMHA ALWAYA,
A PROFESSIONAL CORPORATION

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5 By: Semha Alwaya
6 Semha Alwaya
7 Counsel for Third-Party Defendant
8 FEDERATED MUTUAL INSURANCE COMPANY

9 Dated: August 26, 2011

MORALES FIERRO & REEVES, LLP,

10
11 By: David A. Astengo
12 David A. Astengo
13 Counsel for Third-Party Defendant
14 WESTCHESTER SURPLUS LINES
15 INSURANCE COMPANY

16 [PROPOSED] ORDER OF PARTIAL DISMISSAL

17 Having reviewed the above stipulation, the Court orders that Third-Party Claimant
18 Westchester Surplus Lines Insurance Company's claims against Third-Party Defendant Federated
19 Mutual Insurance Company be dismissed, without prejudice. The remainder of the third-party
20 complaint shall not be changed or impacted by this Order.

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 Richard S. [Signature]

23 United States District Court
24 District of Northern California
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